

HOUSE BILL 120

By Bass

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 13, Part 1, to create certain criminal  
offenses involving assault.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by  
adding the following language as new, appropriately designated sections:

§ 39-13-114.

(a) A person commits an assault on a law enforcement officer, correctional  
officer, employee of the department of correction, or an employee of a private  
corrections contractor with the state or a political subdivision thereof, who:

(1) Commits assault as defined in § 39-13-101(a);

(2) The victim of the assault is a law enforcement officer as defined in §  
39-11-106(a)(21), correctional officer, employee of the department of correction,  
or an employee of a private corrections contractor with the state or a political  
subdivision thereof; and

(3) Such law enforcement officer, correctional officer, employee of the  
department of correction, or an employee of a private corrections contractor with  
the state or a political subdivision thereof was:

(A) Acting in the performance of such officer's duties while in  
uniform or exhibiting evidence of the officer's status as a law enforcement  
officer, correctional officer, employee of the department of correction, or  
an employee of a private corrections contractor with the state, or, a  
political subdivision thereof; or

(B) Known or reasonably should have been known by the defendant to be a law enforcement officer, correctional officer, employee of the department of correction, or private contractor with the department of correction and was assaulted by the defendant because of the officer's status as a law enforcement officer, correctional officer, employee of the department of correction, or an employee of a private corrections contractor with the state, or, a political subdivision thereof.

(b) A person also commits an assault on a law enforcement officer, correctional officer, employee of the department of correction, or an employee of a private corrections contractor with the state or a political subdivision thereof who knows or has reason to know a person is a law enforcement officer, correctional officer, employee of the department of correction, or private contractor with the state, or a political subdivision thereof, and knowingly and without the person's permission:

(1) Removes or causes to be removed a chemical irritant weapon, impact weapon, handcuffs, or flex-cuffs from the possession of the officer or deprives the officer of the use of the weapon or device; or

(2) Removes or causes to be removed a firearm or stun weapon from the possession of the officer or deprives the officer of the use of the weapon.

(c)

(1) A violation of subsection (a) or (b)(1) is a Class E felony.

(2) A violation of subsection (b)(2) is a Class D felony.

§ 39-13-115.

(a) A person commits aggravated assault on a law enforcement officer, correctional officer, employee of the department of correction, or an employee of a private corrections contractor with the state or a political subdivision thereof who:

(1) Commits aggravated assault as defined in § 39-13-102(a);

(2) The victim of the assault is a law enforcement officer as defined in § 39-11-106(a)(21), correctional officer, employee of the department of correction, or an employee of a private corrections contractor with the state, or, a political subdivision thereof; and

(3) Such law enforcement officer, correctional officer, employee of the department of correction, or an employee of a private corrections contractor with state or a political subdivision thereof was:

(A) Acting in the performance of such officer's duties while in uniform or exhibiting evidence of the officer's status as a law enforcement officer, correctional officer, employee of the department of correction, or an employee of a private corrections contractor with the state or a political subdivision thereof; or

(B) Known or reasonably should have been known by the defendant to be a law enforcement officer, correctional officer, employee of the department of correction, or an employee of a private corrections contractor with the state or a political subdivision thereof and was assaulted by the defendant because of the officer's status as a law enforcement officer correctional officer, employee of the department of correction, or an employee of a private corrections contractor with the state or a political subdivision thereof.

(b) A violation of this section is a Class B felony.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.